RECEIVED CENTRAL FAX CENTER DEC 0 3 2004



Medtronic

Facsimile Cover Sheet

MEDTRONIC LAW DEPARTMENT - CONFIDENTIAL

Attention: Group 3762

Company: United States Patent and Trademark Office

Telephone:

Facsimile: 703-872-9306 Application No.: 10/749,595

Filing Date: Decmeber 31, 2003

From: Keith M. Campbell, Esq.

Telephone: 763-505-0405 Facsimile: 763-505-0411 Our Ref. No.: P-8223.02US

Date: December 3, 2004

Pages (including cover page);

Comments: Enclosed a

Enclosed are the following documents for filing in the above-identified

application;

Transmittal Letter

Supplemental Information Disclosure Statement

List of References (1449 Form)

Reference

NOTICE

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ON THIS TRANSMITTAL FORM. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY Mindy Loge at (763) 505-0421. THANK YOU,

RECEIVED CENTRAL FAX CENTER

DEC 0 3 2004

PATENT

Docket No.: P-8223.02 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Benoit Marchal and Warren

Group Art Unit:

3762

Application No.:

Starkebaum 10/749,595

Examiner:

Not Assigned Yet

Filed:

December 31, 2003

Due Date:

For:

Gastroelectric Stimulation for Influencing Pancreatic Secretions

CERTIFICATE OF MAILING OR TRANSMISSION 1 hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on December 3, 2004.

Mindy Loge

TRANSMITTAL LETTER

Mail Stop Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Enclosed for filing in the above-identified application are the following:

 \boxtimes

Supplemental Information Disclosure Statement

Ø

PTO Form 1449 Cited References

X

The Commissioner is hereby authorized to charge or credit any deficiencies or overpayments, which may have been overlooked on this Transmittal Letter with regard to this filing, to Deposit Account No. 13-2546. A duplicate of this Transmittal Letter is enclosed.

Respectfully, submitted,

Date: December 3 . 2004

Keith M. Campbell

Registration No. 46,597 MEDTRONIC, INC.

710 Medtronic Parkway NE, MS: LC340

Minneapolis, MN 55432-5604 Telephone: 763-505-0405 Facsimile: 763-505-0411

Customer No.: 27581

RECEIVED CENTRAL FAX CENTER

NFC 0 3 Zout

PATENT

Docket No.: P-8223.02 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Benoit Marchal and Warren

Group Art Unit: 3762

Application No.:

Starkebaum 10/749,595

Examiner

Not Assigned Yet

Filed:

December 31, 2003

Due Date:

For:

Gastroelectric Stimulation for Influencing Pancreatic Secretions

CERTIFICATE OF MAILING OR TRANSMISSION I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope deposited with the United States Postal Service with sufficient pushage as an advantage and addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia addressed to: Mail Stop Amendment, Commissioner for Patents and Trademark Office on December 3, 2004. 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on December

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached Form PTO-1449. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Supplemental Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No certification or fee is required.

The Examiner's attention is directed to co-pending U.S. Patent Application No. 09/537,070, filed March 28, 2000, which is directed to related subject matter. The identification of this U.S. patent application is not to be construed as a waiver of secrecy as to that application

Application No.: 8223.02 US

now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

In accordance with 37 C.F.R. § 1.98(a)(2)(i), Applicant submits herewith paper copies of only those references which are identified on Form PTO SB08 as foreign patent documents or non-patent literature.

By submitting these references, Applicant does not admit that the references are prior art to or material to this application, and reserves the right to establish that any reference is not prior art. Applicant does not represent that the references have been reviewed in detail; there may be details in the references of which Applicant is unaware.

Pursuant to the waiver of the requirements under 37 C.F.R. 1.98(a)(2)(i) as stated in a Pre-Official Gazette Notice dated July 11, 2003, copies of only the foreign patent documents and non-patent literature listed on the enclosed modified Form PTO-1449 are attached. A copy is also enclosed of the PCT International Search Report issued in the corresponding PCT application.

The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 13-2546.

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO-1449 be returned, indicating that such information has been considered.

Date: December 3, 2004

Respectfully submitted.

Keith M. Campbell

Registration No. 46,597 MEDTRONIC, INC.

710 Medtronic Parkway NE, MS: LC340

Minneapolis, MN 55432-5604 Telephone: 763-505-0405

Facsimile: 763-505-0411 Customer No.: 27581

-NO. 2606----P. 5--

U.S. Peser and Tradema's Office. U.S. DEPARTMENT OF COMMUNICACE

of information unline is containe; which OME control segment.

Complete if Farmer. Under the Propertient Reduction Act of 1993, no persons are required to respond to a collection Substitute for form (449B/PTO INFORMATION DISCLOSURE Application Number 10/749,595 Filing Date 12/31/2003 STATEMENT BY APPLICANT First Named Inventor Marchal et al (416 at many sheat or necessary) Group Art Unit 3762 Examiner Name Not Assigned Yet Sheet of Attorney Docket Number P-8223.02 US

			F	OREIGN P.	ATENT DOCUME	ENTS		
Examiner Initials*	Cite No.	Poreign Patent Document				Date of		
		Office ²	Number	Kind Code ² (if known)	Name of Patentee of Applicant of Cited Document	Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ¹
	├ —	\vdash						_
								_
								_
				1				
		\Box	· · · · · · · · · · · · · · · · · · ·			 		
						 		
	F			1		 		
				 -				
	_	-		 		 		
		-		 		-		
				 				
		 		 		 - 		
				 				
						 		

		OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, sorial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, gipt and/or compress under substitute.	73
		Hahn SJ, et al. "Stimulatory effects of the central amygdaloid nucleus on pancreatic exocrine secretion in rats" Neurosci Lett March 14, 1994; 169 (1-2) 43-6.	

Examiner	, , , , , , , , , , , , , , , , , , , ,	Date		
Signature		Considered		
*EXAMINER:	Initial if reference considered, whether or not exection is in conformance with MPM	CONSTRUCTOR	Samuel of miles if and in confi	

this form with next communication to applican.

This collection of Information is required by 37 CPR 197 and 1.98. The information is required to obtain ar craim a barselfs by the public which is to file (and by the USPTO in process) an application. Confidentiality is governed by 35 USC 122 and 37 CPR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form in the USPTO. There will very depending upon the individual case. Any commences on the motion of times you require to complete the formation of times are upon an arrival to the properties with form studies suggestions for reducing this barden, should be seen un the Chief information Office, U.S. Peters and Troberards Office. U.S. Oppersment of Compress, P.O. 160, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patrene, P.O. Box 1450, Alexandria, VA 22313-1450.

Applicant is to place a check mark here if English language translation is anached.

2 Bater Office that is sucd the document, by the two-lease code (WIPO Standard St.3).

2 Per Japanese patent documents, the Indication of the year of the reign of the Emperor must precede the serial number of the pozzat document.

This Page is Inserted by IFW Indexing and Scanning Operations and is not part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked.
□ BLACK BORDERS
☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
☐ FADED TEXT OR DRAWING
☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING
☐ SKEWED/SLANTED IMAGES
COLOR OR BLACK AND WHITE PHOTOGRAPHS
GRAY SCALE DOCUMENTS
☐ LINES OR MARKS ON ORIGINAL DOCUMENT
☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
OTHER:

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.